

IN THE UNITED STATE DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ROME DIVISION

DARYL LEE CLARK )  
                        )  
Plaintiff,           )  
                        )  
vs.                   )     CASE NO: 4:24-cv-00259-WMR  
                        )  
                        )  
MARK WALLACE, in his Individual )  
Capacity, et al.       )  
                        )  
Defendants.           )

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**DEFENDANT MARK WALLACE'S NOTICE OF  
WITHDRAWAL OF HIS MOTION TO DISMISS FOR FAILURE TO  
STATE A CLAIM UPON WHICH RELIEF MAY BE GRANTED**

Defendant Mark Wallace hereby withdraws his Motion to Dismiss For Failure to State a Claim Upon Which Relief May Be Granted [Doc. 44], in light of the new allegations made in Plaintiff's First Amended Complaint [Doc. 81]. Defendant Wallace does not hereby waive any defense raised in his motion or answer, and continues to deny any and all liability to Plaintiff.

Respectfully submitted, this the 5<sup>th</sup> day of June, 2025.

**STITES & HARBISON, PLLC**

*/s/ Derrick L. Bingham*  
Derrick L. Bingham  
Georgia Bar No. 141217  
Julie C. Cahill  
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**CERTIFICATE OF SERVICE - UPDATE**

I hereby certify that I have this day served the foregoing ***DEFENDANT  
MARK WALLACE'S NOTICE OF WITHDRAWAL OF HIS MOTION TO  
DISMISS TO STATE A CLAIM UPON WHICH RELIEF MAY BE GRANTED***  
on all counsel of record via the Court's electronic filing system.

This 5<sup>th</sup> day of June, 2025.

**STITES & HARBISON, PLLC**

*/s/ Derrick L. Bingham*  
Derrick L. Bingham  
Georgia Bar No. 141217  
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